

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

NOTICE OF REMOVAL

Defendant Judge Charles M. Eaton, Jr. through counsel, files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446. Judge Eaton appears specially to file this notice subject to and without waiving any defenses available under state and federal law, and in support shows the following:

1. On February 8, 2023, Plaintiff filed a civil action in the State Court of Fulton County, Georgia, styled *Drismia Yilla v. Fulton County Superior Court, et al.*, and having Civil Action No. 23EV000844 (the Action). Attached hereto as Exhibit A is a copy of all process, pleadings and orders served on Judge Eaton and filed in the Action.

2. The Action seeks money damages for alleged violations of rights under the Sixth and Fourteenth Amendment to the United States Constitution and

42 U.S.C. § 1983. Plaintiff claims that the Defendants denied her due process rights by dismissing a lawsuit filed by Plaintiff and refusing to review a motion filed by Plaintiff.

3. The Action is a civil rights case and presents a federal question over which this court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

4. The Action is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a).

5. Judge Eaton was served with and received a copy of the summons and complaint on February 16, 2023. All of the Defendants consent to and join in this removal, and in particular undersigned counsel has conferred with counsel for Defendants Fulton County Superior Court, Elizabeth Marum, and Boyd Derreberry and all of them consent to this removal.

6. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty days from receipt by a Defendant of a copy of the summons and complaint.

WHEREFORE, Judge Eaton moves that this Notice of Removal be filed, that the Action be removed to and proceed in this Court, and that no further proceedings be had in the Action in the State Court of Fulton County, Georgia.

Respectfully submitted,

Christopher M. Carr 112505
Attorney General

Loretta L. Pinkston-Pope 580385
Deputy Attorney General

Roger A. Chalmers 118720
Senior Assistant Attorney General

s/ Jason H. Kang 759836
Jason H. Kang
Assistant Attorney General

PLEASE ADDRESS ALL
COMMUNICATIONS TO:

Jason H. Kang
State Law Department
40 Capitol Square SW
Atlanta, GA 30334
Tel: (404) 458-3559
Fax: (404) 651-5304
Email: jkang@law.ga.gov

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all counsel of record.

I further certify that I have served by U.S. mail, first class postage prepaid, the following non-CM/ECF participants:

Drismia Yilla
141 Titan Road
Stockbridge, GA 30281

This 15th day of March, 2023.

s/ Jason H. Kang